

3762. Misbranding of "Cranitonic Scalp Food, Hair Food." U. S. v. The Kells Co. Plea of guilty. Fine, \$50. (F. & D. No. 6026. I. S. No. 8074-e.)

On March 3, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Kells Co., a corporation, Newburgh, N. Y., alleging shipment by said company, on January 16, 1913, from the State of New York into the State of Massachusetts, of a quantity of so-called "Cranitonic Scalp Food, Hair Food," which was misbranded in violation of the Food and Drugs Act, as amended. The product was labeled: (On carton) "Cranitonic Scalp Food Hair Food Contains 20% Alcohol Guaranteed by The Kells Co. under the Food and Drugs Act, June 30, 1906, No. 2772. Prepared by Cranitonic Hair Food Co. Trade Mark Paris, London, New York. Prepared now by The Kells Company, Newburgh, N. Y. Distributors Invigorating Nourishing Strengthening France Prepared by Cranitonic Hair Food Co. Trade Mark Paris, London, New York. Cranitonic Scalp Food Hair Food Invigorating Nourishing Strengthening France Cranitonic Scalp Food Hair Food Invigorating Nourishing Strengthening Prepared by Cranitonic Hair Food Co. Trade Mark Paris, London, New York. France. Cranitonic Scalp Food Hair Food Invigorating Prepared by Cranitonic Hair Food Co. Trade Mark Paris, London, New York. Nourishing Strengthening France" (On top flap) "CHF." (On bottle, in English and French) "Cranitonic Contains 20% Alcohol Guaranteed by The Kells Co. under the Food and Drugs Act, June 30, 1906. No. 2772. Scalp Food Hair Food Prepared by the Cranitonic Hair Food Co., Paris, London, New York Prepared now by The Kells Company, Newburgh, N. Y. Distributors. Cranitonic Hair Food" (Statements in French) "Cranitonic Hair Food This preparation is a scientific Microbicide and Food for the Hair and Scalp. It destroys the microbes of dandruff and baldness, stops falling hair, allays all scalp irritation, makes hair grow and renders it soft and lustrous. It is absolutely harmless, contains no grease, sediment, dye matter or dangerous drugs, but is pure, clean, delightful to use and certain in its results. It is unrivalled for its refreshing, nourishing and stimulating effects on the hair and nerves of the scalp. It is the only genuine Hair and Scalp Food made. All others are imitations. Directions Apply freely to the roots of the hair night and morning, then massage the scalp vigorously by pinching up the skin between the fingers of both hands. Ladies may apply it only at night." (Small label on back) "CHF Cranitonic Hair Food" (Blown in bottle) "Scalp Food Cranitonic Hair Food Cranitonic Hair Food Co. Paris London New York" (Label around neck) "Cranitonic Trade Mark Hair Food." The booklet and pamphlet in the carton contained, among other things, the following statements descriptive of the article of drugs: "It cures dandruff, stops falling hair, and prevents gray hair and baldness." "Have you dandruff?" "Cranitonic Hair Food will positively cure it." "Is your hair falling?" "The only way to stop falling hair is to destroy the parasite which causes it." "Cranitonic Hair Food does this." "Cranitonic Hair Food is a safe, sure and powerful germicide, parasiticide, fungicide and antiseptic, which destroys all microbic, parasitic and fungous life * * * and nourishes the weak or falling papilla * * *" " * * * never fails to effect a permanent cure, * * *"

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume).....	15. 0
Ash (per cent).....	0. 03
Boric acid (grams per 100 cc).....	0. 11
Glycerin (grams per 100 cc).....	0. 74
No alkaloids, resorcin, salicylic acid, beta-naphthol, mercury or arsenic.	
Sample is a hydroalcoholic solution of boric acid and glycerin colored and perfumed.	

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic and curative effects of said article, appearing on the bottle label thereof, to wit, "This preparation is a scientific Microbicide and Food for the Hair and Scalp. It destroys the microbes of dandruff and baldness, stops falling hair, allays all scalp irritation, makes hair grow * * *," were false and fraudulent, in that they were applied to the said article knowingly and in disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that the said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, for destroying the microbes of dandruff and baldness, for stopping falling hair and allaying all scalp irritation, and for making hair grow, whereas, in truth and in fact, the said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective, among other things, for destroying the microbes of dandruff and baldness, and for stopping falling hair and allaying all scalp irritation, and for making hair grow. Misbranding was alleged for the further reason that the following statements regarding the therapeutic and curative effects of the said article appearing in the booklet aforesaid, to wit, "It cures dandruff, stops falling hair, and prevents gray hair and baldness." "Have you dandruff?" "Cranitonic Hair Food will positively cure it." "Is your hair falling?" "The only way to stop falling hair is to destroy the parasite which causes it." "Cranitonic Hair Food does this." "Cranitonic Hair Food is a safe, sure and powerful germicide, parasiticide, fungicide and antiseptic, which destroys all microbic, parasitic and fungous life * * * and nourishes the weak or falling papilla, * * *" "* * * never fails to effect a permanent cure, * * *" were false and fraudulent, in that they were applied to the said article knowingly and in disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof, the impression and belief that the said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a cure for dandruff; effective in stopping falling hair, and preventing gray hair and baldness; effective for destroying the parasite which causes falling hair; effective as a safe, sure and powerful destroyer of all microbic, parasitic and fungous life; effective for nourishing the weak or falling papilla, and never failing to effect a permanent cure; whereas, in truth and in fact, the said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a cure for dandruff, and effective in stopping falling hair, and preventing gray hair and baldness; and effective for destroying the parasite which causes falling hair; and effective as a safe, sure and powerful destroyer of all microbic, parasitic and fungous life; and effective for nourishing the weak or falling papilla, and never failing to effect a permanent cure.

On March 17, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., April 24, 1915.